

CIVIL REMEDIES AND RIGHTS FOR VICTIMS IN THE CRIMINAL JUSTICE SYSTEM

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CONSIDER:

- How to provide trauma informed representation.
- That you have different obligations to your survivor clients.
- That your survivor client may have different priorities than you expect.
- Safety.
- Crime victim rights.
- Competing/conflicting/co-occurring legal needs and issues.

CRIME VICTIM'S RIGHTS:

- Montana Constitutional Rights:

Article II, § 28 – Criminal Justice Policy – Rights of the Convicted

Article II, § 10 – Right of Privacy.

- Montana's Statutory Rights:

Mont. Code Ann. §§ 46-24-106, 46-24-104.

The Right of Notice.

The Right to Participate.

The Right of Protection from the Accused.

The Right to be Heard.

The Right of Privacy.

The Right to Information about the Case.

The Right to Access Victim Assistance.

Mont. Code Ann. § 26-1-807.

Mental health professional-client privilege.

Mont. Code Ann. § 26-1-812.

Advocate-client privilege.

FOR MORE INFORMATION AND RESOURCES:

- National Crime Victim's Law Institute
http://law.lclark.edu/centers/national_crime_victim_law_institute/
- National Alliance of Victim's Rights Attorneys & Advocates
<http://www.navra.org/>
- Montana Coalition Against Domestic and Sexual Violence: www.mcadsv.com.
- Montana Attorney General, Dept. of Justice: <https://dojmt.gov/victims/>

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